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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,103

04/16/2004

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EXAMINER

RENNER, CRAIG A

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/825,103	Applicant(s) SAITO ET AL.	
	Examiner Craig A. Renner	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 3-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 3-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to one or more non-elected inventions/species, there being no allowable generic or linking claim. Due to the amendment of claims 4, 6, and 7, these claims no longer read on elected Species I of Figures 1-8 as the elected species does not include "the number of [longer-side members] is less than the number of said shorter-side members" as per claim 4, "the longer-side members are formed to be smaller than the shorter-side members" as per claim 6, or "recess portions disposed so as to oppose to the shorter-side members" as per claim 7. The elected species instead includes the number of longer-side members **2c, 2d** is equal to the number of shorter-side members **2a, 2b**, the longer-side members **2c, 2d** are formed to be longer than the shorter-side members **2a, 2b**, and recess portions **10** are disposed so as to oppose to one 2b of the shorter-side members **2a, 2b** (emphasis added). Applicant timely traversed the restriction (election) requirement in the reply filed on 17 January 2007.

Drawings

2. The drawings were received on 21 June 2007. These drawings are accepted.
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following is suggested:

--DISK DRIVE APPARATUS WITH DECORATIVE COVER PANEL
DETACHABLY MOUNTED TO DISK DRIVE BODY--.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuji et al. (US 5,207,342).

Tsuji et al. (US 5,207,342) teach a disk drive apparatus comprising a disk drive body (2) including a front face (between 23a and 23b) having an insertion opening for a disk (as shown in FIG. 1, for instance) and side faces (adjacent each 24, for instance) substantially parallel to a recording surface of an inserted disk (as shown in FIG. 1, for instance); and a decorative panel (1) covering approximately the entire surface of the side faces and being disposed so as to be detachable from the side faces (as shown in FIGS. 2A-2C, for instance) [as per claim 1]; wherein the decorative panel comprises a flat panel portion shaped as a rectangle by having a periphery thereof with longer-sides and shorter-sides (as shown in FIG. 1, for instance); shorter-side members (11 and/or 14, for instance) disposed along the shorter-sides of the flat panel portion, each shorter-side member comprising one of a first engaging piece and a first engaging groove (4a

and unlabeled protrusion of 11, for instance, i.e., a first engaging piece) for engagement with the disk drive body (as shown in FIGS. 1, 2B, and 2C, for instance) [as per claim 2].

Response to Arguments

6. Applicant's arguments filed 21 June 2007 have been fully considered but they are not persuasive.

With respect to claim 1, the applicant argues that "Tsuji fails to teach or suggest 'a decorative panel covering approximately the entire surface of the side faces [of a disk drive body] and being disposed so as to be detachable from the side faces [of a disk drive body].'" This argument, however, is not found to be persuasive as Tsuji does teach a decorative panel (1) covering approximately the entire surface of side faces (adjacent each 24, for instance) of a disk drive body (2) and being disposed so as to be detachable from the side faces (as shown in FIGS. 2A-2C, for instance).

With respect to claim 1, the applicant further contends that "Tsuji does not teach that any of the housing components are detachable after the housing is assembled." This argument, however, is not found to be persuasive as decorative panel (1) is detachable from disk drive body (2) by following the steps detailed in FIGS. 2A-2E in reverse order. The term "firmly fixed" used in Tsuji does not necessarily mean permanently fixed as implied by the applicant.

With respect to claim 1, the applicant additionally asserts that "Tsuji fails to teach the disk drive body; rather, Tsuji teaches only the various components of the housing." This argument, however, is not found to be persuasive as the phrase "disk drive body"

does not necessarily mean a fully enclosed disc drive casing, but may be broadly construed to mean merely a disk drive part or component. The element labeled 2 in Tsuji is most definitely a disk drive part or component.

With respect to claim 2, the applicant argues that "Tsuji cannot be said to teach 'shorter-side members..., comprising one of a first engaging piece and a first engaging groove for engagement with the disk drive body.'" This argument, however, is not found to be persuasive as Tsuji does teach shorter-side members (11 and/or 14, for instance) comprising one of a first engaging piece and a first engaging groove (4a and unlabeled protrusion of 11, for instance, i.e., a first engaging piece) for engagement with the disk drive body (as shown in FIGS. 1, 2B, and 2C, for instance).

With respect to claim 2, the applicant lastly maintains that "neither lugs 14 (having holes 14a and 14b) nor cord clamp 11 are described as engaging with upper cabinet 2." This argument, is not found to be persuasive as the term "engaging" does not necessarily mean physically locking, but may be broadly construed to mean merely touching or contacting. Certainly the element labeled 11 and at least one element labeled 14 in Tsuji will touch or contact the element labeled 2 in Tsuji to at least some extent during the assembly process. Furthermore, note that a recitation with respect to the manner in which a claimed apparatus (i.e., "disk drive apparatus") is intended to be employed (i.e., "for engagement with the disk drive body", for instance) does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations, *Ex parte Masham*, 2 USPQ2d 1647 (PTO BPAI 1987).

Conclusion

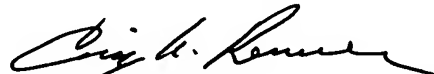
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (571) 272-7580. The examiner can normally be reached on Tuesday-Friday 9:00 AM - 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Craig A. Renner
Primary Examiner
Art Unit 2627

CAR